



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. PD-1184-16

RICHARD CHARLES OWINGS, JR., Appellant

v.

THE STATE OF TEXAS

**ON APPELLANT'S MOTION FOR BAIL PENDING APPEAL
UNDER TEX. CODE CRIM. PRO. ART. 44.04(h)
HARRIS COUNTY**

PER CURIAM.

ORDER

A jury convicted Appellant of aggravated sexual assault in Cause No. 1454997 in the 262nd Judicial District Court of Harris County. The jury assessed punishment at confinement for 30 years. The Court of Appeals reversed the conviction, finding that the trial court committed harmful error in failing to require the State to elect the incident upon which it relied for conviction. *Owings v. State*, __ S.W.3d __, No. 01-15-00132-CR (Tex. App.–Houston [1st Dist.] Aug. 30, 2016). The State has filed a petition for discretionary

review which is pending before this Court.

Appellant has applied to this Court under Article 44.04(h) of the Texas Code of Criminal Procedure, to set a reasonable bail pending final determination of the appeal. However, before this Court can set a reasonable bail we must have adequate information upon which to determine a reasonable amount. Appellant fails to provide adequate information. See *Montalvo v. State*, 786 S.W.2d 710 (Tex. Crim. App. 1989).

Therefore, Appellant must redraft his request for bail under Art. 44.04(h) in order for this Court to set a reasonable bail.

IT IS SO ORDERED this the 30th day of January, 2017.

DO NOT PUBLISH